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BELL, BOYD & LLOYD LLC				YOO, JASSON H	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/662,496 Jasson Yoo	BAERLOCHER, ANTHONY J. Art Unit 3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 November 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-40 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/4/05</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Amendment

This office action is in response to the amendment filed on 11/4/05 in which applicant responds to claim rejections, amend claims, add new claims (34-37), and submits an information disclosure statement. Claims 1-40 are currently pending.

Amendments to claims 19, 31, 38-40, have been considered, and the claim objections made in the previous office action has been withdrawn.

Amendments to claim 7 have been considered, and the claim rejection under 35 USC 112, second paragraph made in the previous office has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille (US 5,996,997).

Kamille discloses a method of operating a wagering gaming device, the method comprising:

displaying a plurality of selections (selections 301, 302, 303, 304, 305 and 306 of Figure 3 and selections 701 of Figures 7A and 7C; cols. 5:30-47, 6:21-67, 9:45-10:61);

enabling a play to pick on of the said selections (Figs. 3, 7A, 7c; cols. 5:30-47, 6:21-67, 9:45-10:61);

if picking an eliminator selection in a play of the game (selection 303 of Fig. 3 or “double-ended arrow” 701 of Fig 7a; Fig. 7c, cols. 9:45-10:610), picking at least one of the other selections to be eliminated (when choosing a selection after picking the “double-ended arrow”, the eliminated selection is the selection not picked) from subsequently being picked in said play of the game [As shown in Fig. 7c, one of the eliminator selection (when starting at the bottom left corner) allows a player to select a selection (either up or right), and eliminate the non-selected selection. By following the possible paths (either up or right from the eliminator selection), the game comes to an end before the player can select the non-selected selection. Furthermore Kamille discloses multiple embodiments of a selection game as illustrated in Figs. 1-19 (cols. 16:1-7, 16:22-48). The number of individual game pieces, such as “double-ended arrows” may also vary depending on the embodiment of the game (cols. 4:58-65, 7:50-659:45-10:610). The “double-ended arrow” and other game pieces allow the player to decide and control the path of the game (cols. 9:64-6). By adjusting the game pieces to prevent the player to pick the eliminated selection would provide clearer distinct pathways, defined by the players selections. Individual games pieces can be varied and adjusted according to research results, client preference, and player psycho-graphic data (cols. 7:50-65, 8:49-63). Adjusting the eliminator selection (double-ended arrow) and forcing a player to pick a single winning spot (col. 7:51-53) or multiple playing spots (col. 7:53-55), and preventing the player to pick the eliminated selection

would provide a fair play of the game. Therefore it would have been obvious in one skilled in the art at the time the invention was made to modify Kamille's gaming device, and adjust the game pieces to provide a gaming device that would allow the player to control his/her pathways, with fair results.],

displaying an indication of the selection picked to be eliminated in said play of the game (as shown in Figs 1, 5, the eliminated selection is displayed as "uncovered"; col. 5:30-47); and

an outcome of the game based on at least one of the picked non-eliminator selections (cols. 5:4-31, 5:48 – 6:20, 6:44 – 7:14).

Kamille further discloses:

Claim 21, Kamille discloses a method of operating a gaming device having a game upon a wager (Figures, 3, 7a, 7c along with the related description thereof). The disclosed method comprising:

displaying a plurality of selections (selections 301, 302, 303, 304, 305 and 306 of Figure 3 and selections 701 of Figures 7A and 7C);

enabling a player to pick one of the selections (Figure 7C along with the related description thereof);

if the player picks an eliminator selection ("double-ended arrow" 701 of Figure 7A) in a play of the game, picking at least one of the other selections to be eliminated (selection 306 of Figure 3 or "multi-directional arrow" adjacent to the "double-ended arrow" 701 of Figure 7A) from being subsequently picked in said play of the game

(player picks one selection to be revealed and one selection to be eliminated), displaying (displayed in a viewable format; col. 5:41-45) an indication of the selection picked to be eliminated in said play of the game (indicated as "uncovered; col. 5:30-47), and enabling the player to pick at least one of the remaining selections (selections 301, 302, 304 and 305 of Figure 3 and "void" or "left-facing arrow" adjacent to the "double-ended arrow" 701 of Figure 7A) in said play of the game; and

providing an outcome to the player based on at least one of the player picked non-eliminator selections (cols. 5:4-31, 5:48 – 6:20, 6:44 – 7:14).

Claim 22, Kamille discloses the outcome includes a plurality of awards, wherein one of the awards are associated with each of the other selections (Figure 3 of Kamille along with the related description thereof, wherein at least selections 301, 302 and 306 are each associated with an award).

Claim 23, Kamille discloses a bonus round, wherein the bonus game is one of a plurality of bonus games and wherein the outcomes associated with the selections include advances accumulated in the bonus round (Figure 3 of Kamille along with the related description thereof and col. 5, lines 57-60, wherein each selection constitutes a bonus game as the player can stop play after each selection, wherein successive selections constitute a plurality of bonus games comprising a bonus round and wherein advances in the form of "voids" can be accumulated in each bonus game to end the bonus round as described in col. 5, lines 57-60).

Claims 24, 34, Kamille discloses that the eliminated selection (selection 306) includes the lowest one of the awards (Figure 3 of Kamille along with the related description thereof, wherein selection 306 includes the lowest award of zero).

Claims 25-26, 29-30, Kamille discloses the game through a data network, wherein the data network is an internet (col. 5, lines 30-47 of Kamille).

Claims 27, Kamille discloses a method of operating a gaming device having a game upon a wager (Figures 3, 7A and 7C along with the related description thereof), the method comprising:

displaying a plurality of selections (selections 301, 302, 303, 304, 305 and 306 of Figure 3 and selections 701 of Figures 7A and 7C);

enabling a player to pick at least one of the selections (Figures 3, 7A and 7C along with the related description thereof);

if the player picks an eliminator selection in a play of the game (selection 303 of Figure 3 or “double-ended arrow” 701 of Figure 7A), picking at least one of the other selections (selection 306 of Figure 3 or “multi-directional arrow” adjacent to the “double-ended arrow” 701 of Figure 7A) to be eliminated from being picked in said play of the game (the selection the player decides to keep covered, is the eliminated selection), displaying an indication of the selection picked to be eliminated in said play of the game (indication of being “uncovered”), and enabling the player to pick from the remaining

selections in said play of the game (selections 301, 302, 304 and 305 of Figure 3 and “void” or “left-facing arrow” adjacent to the “double-ended arrow” 701 of Figure 7A); and providing to the player an advance (“void” of Figure 7A) associated with at least one of the remaining selections picked by the player (Figure 7A, “void” or “left-facing arrow” adjacent to the “double-ended arrow” 701 of Figure 7A are remaining selections picked by the player), wherein an award is adapted to be provided to the player based on an accumulated number of advances (col. 5, lines 57-60, wherein each “void” is accumulated and a number of “voids” may be accumulated before the player is awarded with a “loss” or “end game” having zero value).

Claim 28, Kamille discloses that the eliminated selection (selection 306 or “void”) includes the lowest one of the awards (Figure 3 of Kamille along with the related description thereof, wherein selection 306 includes a “void” having the lowest award of zero). By eliminating the lowest award with eliminators or directionals 303, Kamille varies the odds of the game for better game control (col. 8, lines 10-18 and col. 10, lines 1-5). Each selection 306, or “void”, is accumulated and a number of “voids” may be accumulated before the player is awarded with a “loss” or “end game” (col. 5, lines 57-60). Since each “void” counts as the same amount (one advance) and is accumulated as such, the eliminated selection (“void” selection 306) has the lowest number of advances, as all the “voids” count as one advance.

Claim 31, Kamille discloses a gaming device operated under the control of a processor (Figures 3, 7A and 7C along with the related description thereof), the gaming device comprising:

a display controlled by the processor (col. 5, lines 30-47);
a game displayed by the display device (Figures 3, 7A and 7C along with the related description thereof);
a plurality of selections (selections 301, 302, 303, 304, 305 and 306 of Figure 3 and selections 701 of Figures 7A and 7C) in the game, wherein the selections include at least one eliminator selection (selection 303 of Figure 3 or “double-ended arrow” 701 of Figure 7A) and at least three other selections (selection 306 of Figure 3 or “multi-directional arrow” adjacent to the “double-ended arrow” 701 of Figure 7A), wherein if the eliminator selection (selection 303 of Figure 3 or “double-ended arrow” 701 of Figure 7A) is picked in a play of the game, at least one of the other selections is picked to be (selection 306 of Figure 3 or “multi-directional arrow” adjacent to the “double-ended arrow” 701 of Figure 7A) eliminated from further selection in the player of the game (as discussed above), and at least one of the other selections is available to be subsequently picked in the play of the game (selections 301, 302, 304 and 305 of Figure 3 and “void” or “left-facing arrow” adjacent to the “double-ended arrow” 701 of Figure 7A are available to be subsequently picked), and the display device (col. 5:33-35) is adapted to display an indication of said eliminated selection (col. 5:38-45); and

an outcome of the game adapted to be provided to the player based on at least one of the picked other selections (outcomes 301, 302 of Figure 3 and outcomes "void" and "left-facing arrow" adjacent to the "double-ended arrow" 701 of Figure 7A).

Regarding claim 32, Kamille discloses a plurality of outcomes, wherein one of the outcomes is associated with each of the other selections (Figure 3 of Kamille along with the related description thereof, wherein selections 301, 302, 304, 305 and 306 of Figure 3 and selections 701 of Figure 7A are each associated with an outcome).

Regarding claim 33, Kamille discloses that the outcome includes a plurality of awards, wherein one of the awards are associated with each of the other selections (Figure 3 of Kamille along with the related description thereof, wherein at least selections 301, 302 and 306 are each associated with an award and wherein at least "\$5 win" of Figure 7A is associated with an award).

Claim 35, Kamille discloses that the other selections include at least four other selections (in one embodiment as shown in Fig. 3, selections 301, 302, 304 and 305 of Figure 3 along with the related description thereof).

Claim 36, Kamille discloses that when the eliminator selection is picked (selection 303 of Figure 3), all but at least two of the remaining selections are eliminated

(selection 306 is eliminated leaving all but at least two of selections 301, 302, 304 and 305).

Claim 37, Kamille discloses that the outcomes associated with the eliminated selections include least desirable outcomes (selection 306 of Figure 3 in Kamille along with the related description thereof, wherein selection 306 has zero value and ends the game, which constitutes a least desirable outcome).

Claim 38, Kamille discloses the selections are player-selectable (col. 5:38-47), and includes at least one input device in communication with the processor (inherent in virtual embodiments, such as video slot or video game machines; col. 5:33-38) and which enables the player to pick the selections (col. 5:40-45).

Claim 39, Kamille discloses that the number of eliminated selections is based on the total number of selections and the number of eliminator selections (Figures 3, 7A and 7C of Kamille along with the related description thereof).

Claim 40, Kamille discloses a method of operating a gaming device having a game upon a wager (Figures 3, 7A and 7C along with the related description thereof), the method comprising:

displaying a plurality of selections (selections 301, 302, 303, 304, 305 and 306 of Figure 3 and selections 701 of Figures 7A and 7C);

causing a pick of at least one the selections (Figures 3, 7A and 7C along with the related description thereof);

if an eliminator selection is picked in a play of the game (selection 303 of Figure 3 or "double-ended arrow" 701 of Figure 7A), picking, at least one of the other selections from subsequently being picked in said play of the game (selection 306 of Figure 3 or "multi-directional arrow" adjacent to the "double-ended arrow" 701 of Figure 7A),

displaying an indication of the selection picked to be eliminated in said play of the game (indication of being "uncovered"; col. 5:30-47), and

and causing a pick of at least one of the remaining selections in said play of the game (selections 301, 302, 304 and 305 of Figure 3 and "void" or "left-facing arrow" adjacent to the "double-ended arrow" 701 of Figure 7A); and providing an outcome to the player based on at least one of the picked selections (outcomes 301, 302 of Figure 3, outcomes "void" and "left-facing arrow" adjacent to the "double-ended arrow" 701 of Figure 7A and outcome "downward facing arrow" with "win 50¢" of Figure 7C).

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamille in view of Thomas et al. (EP 0945837A2).

Claims 1 and 12, Kamille teaches a virtual game piece and game method (Figure 3 along with the related description thereof) implemented in a game machine or

computer network (col. 5, lines 30-47) as discussed above. The virtual game piece (300) includes a plurality of selections, wherein the selections include one eliminator selection (directional 303) and at least three other selections (selections 301, 302, 304, 305 and 306). When the eliminator selection (directional 303) is picked, one of the other selections (selection 306) is eliminated, and the remaining selections are available to be subsequently picked (selections 301, 302, 304 and 305). The eliminator selection (directional 303) reduces the number of potential selections (selections 301, 302, 304 and 305) are available to be selected by the player as selection 306 is eliminated in Figure 3) to be selected by the player while playing the game (col. 9, line 56 to col. 10, line 6 and col. 10, lines 35-37). Furthermore, the eliminated selection is indicated (as “uncovered” and displayed (col. 5:30-47). An outcome is provided to the player based on at least one of the selections (selections 301, 302, 304, 305 and 306) other than the eliminator selection (directional 303). Specifically, Kamille teaches that a player can choose whether to continue play of the game piece after each selection, provided that the player does not choose a “void” symbol (col. 5, lines 55-60). Kamille teaches that this choice, provided in the virtual game piece, increases player involvement and interest (col. 6, lines 64-67).

As detailed above, Kamille teaches that the virtual game piece (Figure 3 along with the related description thereof) can be implemented in a game machine or computer network (col. 5, lines 30-47). However, Kamille does not explicitly teach a base game operable upon a wager or a triggering event associated with the base game that triggers the bonus game upon the occurrence of the triggering event. In a related

gaming device and method, Thomas et al. teach a base game operable upon a wager (Figures 8 and 9 along with the related description thereof) that is displayed to a player. A triggering event associated with the base game triggers a bonus game operable upon the occurrence of the triggering event. The bonus game is displayed to the player and includes a plurality of selections selectable by the player until an “end-bonus” game outcome is achieved (paragraphs [0033] to [0037]). Thomas et al. teach that bonus games offer increased player appeal and excitement relative to other known games (paragraph [0005]). It would have been obvious for one skilled in the art at the time of the invention to incorporate the game piece taught by Kamille into the gaming device and method of Thomas et al. as a triggerable bonus game in order to increase player appeal and excitement as desirably taught by Thomas et al. in paragraph [0005] and Kamille in col. 6, lines 64-67.

Claim 2, the combination of Kamille and Thomas et al. teaches a plurality of outcomes, wherein one of the outcomes is associated with each of the other selections (Figure 3 of Kamille along with the related description thereof, wherein selections 301, 302, 304, 305 and 306 are each associated with an outcome).

Claims 3 and 13, the combination of Kamille and Thomas et al. teaches that the outcome includes a plurality of awards, wherein one of the awards are associated with each of the other selections (Figure 3 of Kamille along with the related description

thereof, wherein at least selections 301, 302 and 306 are each associated with an award).

Claims 4 and 14, the combination of Kamille and Thomas et al. teaches that the eliminated selection (selection 306) includes the lowest one of the awards (Figure 3 of Kamille along with the related description thereof, wherein selection 306 includes the lowest award of zero).

Claim 5, the combination of Kamille and Thomas et al. teaches that the other selections include at least four other selections (selections 301, 302, 304 and 305 of Figure 3 in Kamille along with the related description thereof).

Claim 6, the combination of Kamille and Thomas et al. teaches that when the eliminator selection is picked (selection 303 of Figure 3 in Kamille), all but at least two of the remaining selections are eliminated (selection 306 is eliminated leaving all but at least two of selections 301, 302, 304 and 305).

Claim 7, the combination of Kamille and Thomas et al. teaches that an outcome associated with the eliminated selection includes a lowest value outcome (selection 306 of Figure 3 in Kamille along with the related description thereof, wherein selection 306 has zero value and ends the game, which constitutes a least desirable outcome).

Claim 8, the combination of Kamille and Thomas et al. teaches that the selections are player selectable (Figure 3 of Kamille along with the related description thereof) and which includes at least one input device which enables the player to pick the selections (paragraph [0035] of Thomas et al.).

Claims 9 and 15, the combination of Kamille and Thomas et al. teaches that the number of eliminated selections is based on the total number of selections and the number of eliminator selections (Figures 3, 7A and 7C of Kamille along with the related description thereof).

Claims 10, 16, 18 and 20, the combination of Kamille and Thomas et al. teaches a bonus round, wherein the bonus game is one of a plurality of bonus games and wherein the outcomes associated with the selections include advances accumulated in the bonus round (Figure 3 of Kamille along with the related description thereof and col. 5, lines 57-60, wherein each selection constitutes a bonus game as the player can stop play after each selection, wherein successive selections constitute a plurality of bonus games comprising a bonus round and wherein advances in the form of “voids” can be accumulated in each bonus game to end the bonus round as described in col. 5, lines 57-60).

Claims 11 and 17, the combination of Kamille and Thomas et al. teaches a designated award (wherein a “void” has zero value corresponding to the designated

award) adapted to be provided to the player if the player accumulates a designated number of advances (a designated number of “voids” corresponds to a designated number of advances) in the bonus round (col. 5, lines 57-60).

Response to Arguments

Applicant's arguments filed 11/04/05 have been fully considered but they are not persuasive.

Regarding claims 1, 12, 19, 21, 27, 31, 40, Kamille teaches a selection game where when an eliminator selection is picked in a play of a game (selection is picked in a play of a game, until the game ends or until the player selects a void), at least one of the other selections is picked to be eliminated in the play of the game, and the remaining selections are available to be picked in the play of the game as discussed above.

Applicant's arguments regarding Kamille's illustration of Fig. 7a (applicant's remarks, pages 17-20), pertains to only one embodiment illustrated by Kamille. However, in an alternative embodiment, Kamille teaches the “eliminated” selection is eliminated from further play of the game as discussed above. The “eliminated” selection is displayed as “uncovered” displayed by the virtual embodiment (col. 5:30-47).

Regarding the combination of Thomas with Kamille, applicant argues the combination is proper. However, as discussed above, Thomas teaches a gaming device and method. Thomas et al. teach a base game operable upon a wager (Figures

8 and 9 along with the related description thereof) that is displayed to a player. A triggering event associated with the base game triggers a bonus game operable upon the occurrence of the triggering event. The bonus game is displayed to the player and includes a plurality of selections selectable by the player until an “end-bonus” game outcome is achieved (paragraphs [0033] to [0037]). Thomas et al. teach that bonus games offer increased player appeal and excitement relative to other known games (paragraph [0005]). Therefore, it would have been obvious for one skilled in the art at the time of the invention to incorporate the game piece taught by Kamille into the gaming device and method of Thomas et al. as a triggerable bonus game in order to increase player appeal and excitement as desirably taught by Thomas et al. in paragraph [0005] and Kamille in col. 6, lines 64-67.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cannon et al. (US 5,766,074) teaches a method of indicating the eliminated selection (cols. 3:65 – 4:30, 6:57 – 7:11, 7:32-35, 7:59 – 8:42). Analogous to Kamille's gaming device, the combination of the selected selections is used to determine the award. Indicating the non-elected selection visually enhances the winning combinations, or the winning symbols, thus increases the enjoyment of the player and revenue generated by the gaming device (col. 2:14-31).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olszewski Robert can be reached on (571)272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JHY

**CORBETT B. COBURN
PRIMARY EXAMINER**